

**DUANE MORRIS LLP**

By: Anthony J. Costantini

Suzan Jo

Kevin P. Potere

1540 Broadway

New York, NY 10036-4086

Telephone: +1 212 692 1000

Fax: +1 212 692 1020

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Graziano Adami, et al.,

Plaintiffs,

v.

Republic of Argentina,

Defendant.

CIVIL ACTION NO.  
14 Civ. 7739 (TPG)

**DECLARATION OF ANTHONY J. COSTANTINI IN  
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, ANTHONY J. COSTANTINI, pursuant to 28 U.S.C. § 1746(2), declare as follows:

1. I am a member of the law firm of Duane Morris LLP, counsel to the plaintiffs in the above-captioned action.

2. I submit this declaration in support of the plaintiffs Graziano Adami, Gianfranco Agostini, Milena Ampalla, Allan Applestein TTEE FBO D.C.A. Grantor Trust, Augusto Arcangeli De Felicis, Antonella Bacchiocchi, Alberto Baciucco, Otello Baciucco, Filippo Bagolin, Sara Bartolozzi, Anneliese Gunda Becker, Serenella Belleggia, Giorgio Bennati,

Roberto Berardocco, Graziella Berchi, Orsolina Berra, Adriano Bettinelli, Giorgio Bistagnino, Stefano Bistagnino, Graziella Bonadiman, Andrea Bonazzi, Stefania Bonpensiere, Rachele Bontempi, Marco Borgra, Sergio Borgra, Renata Boscariol, Emanuele Botti, Giovanni Botti, Carlo Bretti, Susanna Bretti, Antonietta Giuseppina Brioschi, Marcello Calanca, Bruno Calmasini, Giuseppina Capezzera, Laura Anna Capurro, Vincenzo Carbone, Carifin S.A., Giovanni Carlotta, Elettra Casalini, Diego Castagna, Marco Cavalli, Carmelina Censi, Gian Francesco Cercato, Alberto Compare, Giovanna Connena, Agostino Consolini, Cesarino Consolini, Maria Luigia Conti, Silvana Corato, Giancarlo Bartolomei Corsi, Francesco Corso, Giuseppina Corso, Laura Cosci, Angelo Cottoni, Monica Crozzoletto, Graziella Dacroce, Tarcisia Dalbosco, Aldo David, Antonio De Francesco, Antonella De Rosa Kunderfranco, Manuela De Rosa Kunderfranco, Eufrosina De Stefano, Adriana Dell'era, Carlo Farioli, Anna Ferri, Giovanna Ferro, Francesco Foggato, Donatella Zanotti Fragonara, Rinaldo Frisinghelli, Angiolino Fusato, Gabriele Fusato, Felicina Gaioli, Maddalena Gaioli, Gian Carlo Ganapini, Francesco Mauro Ghezzi, Mario Giacometti, Giovanni Giardina, Celestino Goglia, Giulia Greggio, Verna Gualandi, Luisella Guardincerri, Gianfranco Guarini, Raimondo Iallonardo, Innovamedica S.P.A. (F/K/A Mativa S.R.L.) Maritza Lenti, Angelo Leoni, Paolo Lisi, Ugo Lorenzi, Sergio Lovati, Fernanda Angela Lovero, Carmelo Maio, Claudio Mangano, Elide Margnelli, Carla Marini De Felicis Arcangeli, Romano Marton, Mirco Masina, Guglielmina Massara, Bruna Mattioli, Salvatore Melchionda, Masina Mirco Mirco, Simonetta Montanari, Giampaolo Montino, Alessandro Morata, Carla Morata, Maria Rita Moretto, Amato Mori, Claudio Mori, Bruno Pappacoda, Sabrina Parodi, Alfredo Pelli, Franco Pezze, Valerio Piacenza, Pier Luigi Lucibello Piani, Eugenia Re, Alessandra Regoli, Silvia Regoli, Barbara Ricchi, Maria

Robbiati, Paola Rosa, Adriano Rosato, Giuseppe Silvio Rossini, Laura Rossini, Raffaele Rossini, Ruggero Rossini, Ines Rota, Hilda Rupprecht, Vincenza Sabatelli, Angelina Salmistraro, Tiziano Sasselli, Marinella Scalvi, Maurizio Sergi, Simona Staccioli, Licia Stampfli-Rosa, Sante Stefani, Anna Storchi, Studio Legale Bennati, Renate Tielman, Manuelito Toso, Mauro Toso, Valeria Toso, Franco Trentin, Stefania Trentin, Martino Verna, Mario Vicini, Luca Vitali, Vito Zancaner, Giovanni Zanichelli, and Matteo Zanichelli's ("Plaintiffs" or "Italian Judgment Creditors")<sup>1</sup> Motion for Partial Summary Judgment.

3. I have knowledge of the facts in this Declaration.

4. Beginning in November 2003, the Italian Judgment Creditors brought a total of twenty actions against The Republic of Argentina ("Argentina" or "Republic") in this Court<sup>2</sup> based on Argentina's failure to pay principal and interest on bonds issued by defendant Republic of Argentina ("Argentina"), pursuant to the Fiscal Agency Agreement dated October 19, 1994 (the "1994 FAA"), attached as Exhibit 1 to the Cohen Declaration.<sup>3</sup>

5. As the shorthand name implies, the Italian Judgment Creditors have obtained judgments against the Republic in each of the actions listed in Exhibit A hereto.

6. Plaintiffs have filed suit in this action seeking relief under the pari passu clause of the 1994 FAA, Cohen Decl.. Ex. 1, at ¶1(c), as it relates to the bonds on which it has previously

---

<sup>1</sup> Two of the plaintiffs, Italia Camato and Massimo Bettoni, do not hold any bonds issued pursuant to the 1994 FAA, and are therefore not part of this Motion.

<sup>2</sup> A list of these previously filed actions is attached hereto as **Exhibit A**.

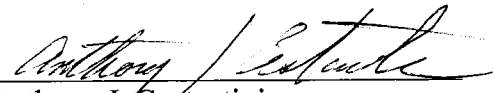
<sup>3</sup> The "Cohen Declaration" or "Cohen Decl." referenced herein means the Declaration of Robert A. Cohen dated February 3, 2015, and all attached exhibits, filed in *NML Capital, Ltd. v. Republic of Argentina*, 14 Civ. 8601 (TPG) (D.E. # 9), which is incorporated by reference in this Motion.

sued and obtained judgment or summary judgment.

7. The Plaintiffs are the beneficial owners of the bonds referenced in the Complaint in this action, all of which were issued by Argentina under the 1994 FAA.

8. Argentina has not made any principal or interest payments on the bonds at issue in this action since December 2001.

9. The Plaintiffs did not participate in Argentina's 2005 or 2010 Bond Exchange.

  
Anthony J. Costantini

Dated: New York, New York  
February 12, 2015

**EXHIBIT A**

**List of Actions In Which Plaintiffs Previously  
Obtained Judgments on bonds issued pursuant to the 1994 FAA**

1. *Allan Applestein TTEE FBO D.C.A. Grantor Trust, et al. v. The Republic of Argentina*, 02 Civ. 4124 (TPG)
2. *Franceschi, et al. v. The Republic of Argentina*, 03 Civ. 4693 (TPG)
3. *Mazzini, et al. v. The Republic of Argentina*, 03 Civ. 08120 (TPG)
4. *Morata, et al. v. The Republic of Argentina*, 04 Civ. 3314 (TPG)
5. *Modes, et al. v. The Republic of Argentina*, 04 Civ. 06137 (TPG)
6. *Maria Fausta Cilli, et al. v. The Republic of Argentina*, 04 Civ. 06594 (TPG)
7. *Rosa, et al. v. The Republic of Argentina*, 04 Civ. 7504 (TPG)
8. *Consolini, et al. v. The Republic of Argentina*, 05 Civ. 00177 (TPG)
9. *Ferri, et al. v. Republic of Argentina*, 05 Civ. 2943 (TPG)
10. *Rigueiro, et al. v. Republic of Argentina*, 05 Civ. 03089 (TPG)
11. *Bettoni, et al. v. Republic of Argentina*, 05 Civ. 04299 (TPG)
12. *Fedecostante, et al. v. Republic of Argentina*, 05 Civ. 4466 (TPG)
13. *Lisi, et al. v. Republic of Argentina*, 05 Civ. 6002 (TPG)
14. *Rossini, et al. v. Republic of Argentina, et al.*, 05 Civ. 6200 (TPG)
15. *Klein, et al. v. Republic of Argentina*, 05 Civ. 6599 (TPG)
16. *Lovati v. Republic of Argentina*, 05 Civ. 8195 (TPG)
17. *Botti, et al. v. Republic of Argentina*, 05 Civ. 8687 (TPG)
18. *Pasquali, et al. v. Republic of Argentina*, 05 Civ. 10636 (TPG)
19. *Beyer, et al. v. Republic of Argentina*, 07 Civ. 00098 (TPG)
20. *Borgra, et al. v. Republic of Argentina*, 07 Civ. 5807 (TPG)